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2014 FEB 25 AM 9:13

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: 

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PREEMINENT INVESTMENT  
CORPORATION,

Plaintiff,

vs.

TENITA BELL,

Defendants.

Case No. EDCV14-0255-UA (DUTY)

ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because it has been removed improperly.

On January 27, 2014, defendant Tenita Bell, having been sued in what appeared to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. On February 5, 2014, the Court denied defendant's application to proceed *in forma pauperis* and remanded the action to state court.

On February 10, 2014, defendant lodged with the Court a second Notice of Removal of the same underlying action, which, again, appears to be a routine unlawful detainer action in California state court. Again, defendant has presented an application to proceed *in forma pauperis*. The Court has denied the latter application

1 under separate cover because the action was not properly removed. To prevent the  
2 action from remaining in jurisdictional limbo, the Court issues this Order to remand  
3 the action to state court.

4 As previously noted, plaintiff could not have brought this action in federal  
5 court in the first place, in that defendant does not competently allege facts supplying  
6 either diversity or federal-question jurisdiction, and therefore removal is improper.  
7 28 U.S.C. §1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546,  
8 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of  
9 citizenship exists, the amount in controversy does not exceed the diversity-  
10 jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary,  
11 the unlawful-detainer complaint recites that the amount in controversy does not  
12 exceed \$10,000.

13 Nor does plaintiff's unlawful detainer action raise any federal legal question.  
14 See 28 U.S.C. §§ 1331, 1441(b).

15 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
16 Superior Court of California, Riverside County, 13800 Heacock Street, Moreno  
17 Valley, CA 92553, for lack of subject matter jurisdiction pursuant to 28 U.S.C.  
18 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and  
19 (3) that the Clerk serve copies of this Order on the parties.

20 IT IS SO ORDERED.

21  
22  
23 DATED: 2/21/14

  
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GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE

24  
25 Presented by:

26 David T. Bristow  
27  
28 David T. Bristow  
United States Magistrate Judge